IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

OP.No. 2969 of 2001(C)

PETITIONERS:
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1. **K.V. UTHAMAN,**
   RANGE OFFICER,
   THALIPARAMBA.

2. **E. ABOOBACKER,**
   RANGE OFFICER,
   KANHANGAD.

BY ADV. SRI.P.C.SASIDHARAN,
SRI.P.K.VIJAYAMOHANAN.

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY**
   THE PRINCIPAL SECRETARY TO GOVERNMENT,
   FOREST & WILDLIFE DEPARTMENT,
   SECRETARIAT, TRIVANDRUM.

2. **THE CHIEF CONSERVATOR OF FORESTS**
   (ADMINISTRATION), FOREST HEADQUARTERS,
   VAZHUTHACAUD, TRIVANDRUM.

3. **E. VELAPPAN,**
   ASSISTANT CONSERVATOR OF FORESTS,
   VIGILANCE & EVALUATION,
   OFFICE OF THE CHIEF CONSERVATOR OF FORESTS,
   VIGILANCE, TRIVANDRUM.

O.P. NO. 2969/2001:

4. G. RAJU, ASSISTANT CONSERVATOR OF FORESTS, WARDEN, AGASTHYAVANAM BIOLOGICAL PARK, TRIVANDRUM.

BY ADV. SRI.S.VIJAYAKUMAR,
SRI.M.N.SUKUMARAN NAYAR(SR.),
SRI.P.K.SURESH KUMAR,
SMT.M.R.SREELATHA,
GOVERNMENT PLEADER SMT. RAMANI.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NOS. 4969/2001 & 56264/2002 IN O.P. NO. 2969/2001

DISMISSED

08/06/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE GOVT. ORDER G.O. (MS) NO. 66/2000/F & WLD DTD. 25/11/2000.

EXT.P.2: COPY OF THE G.O. (RT). NO. 117/96/F&WLD DTD. 19/03/1996 OF THE R.1.

EXT.P.3: COPY OF THE G.O. (RT) 352/2001/F&WLD DTD. 23/08/2001 OF THE R.1.

EXT.P.4: COPY OF THE G.O. (RT) NO. 76/01/F&WLD DTD. 19/12/2001 OF THE R.1.

EXT.P.5: COPY OF THE G.O. (RT). NO. 54/2002/F&WLD DTD. 30/01/2002 OF THE R.1.

EXT.P.6: COPY OF THE ORDER U.O. NOTE NO. B6-21741 DTD. 27/05/1997 OF THE R.2.

EXT.P.7: COPY OF THE REPORT APPEARED IN THE MALAYALA MANORAMA DAILY DTD. 02/11/2002.

RESPONDENT'S EXHIBIT:

EXT.R3.1: COPY OF THE ORDER DTD. 11/04/2002 ISSUED BY P.B. RAJENDRAN NAIR, ADDITIONAL SECRETARY TO THE GOVERNMENT.

//TRUE COPY//

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 2969 of 2001-C

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Dated this the 8th day of June, 2007.

JUDGMENT

Petitioners were included in Ext.P1 select list for being appointed by transfer to the category of Assistant Conservator in the Kerala Forest Service. That select list, as of now, stands revised by Ext.P4. The only complaint of the petitioners is that while they have been selected by the Departmental Promotion Committee for appointment on regular basis by transfer in terms of the Kerala Forest Service Rules, persons who were not cleared by the DPC along with the petitioners are holding on as Assistant Conservators on temporary basis. This, obviously, is clearly illegal because, as and when regular hands become available for recruitment by transfer or by direct recruitment, persons holding the higher posts on temporary basis, though admittedly juniors in the lower category, but who are not cleared and selected by the DPC, have to step down and those in the select list have to be appointed in terms of the Special Rules.

For the foregoing reasons, this writ petition is allowed directing that the petitioners will be assigned the rank in the cadre of Assistant Conservators in the Kerala Forest Service with effect from the date of the next occurring vacancy after the date on which their admitted senior in Ext.P4 is assigned the post of Assistant Conservator and they shall be given all attendant benefits, including placement to higher categories and benefits.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 2969 of 2001-C

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JUDGMENT

Dated: 8th June, 2007.